

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RICKEY MACKEY,
Petitioner,

vs.

WARDEN, NOBLE
CORRECTIONAL INSTITUTION,
Respondent.

Case No. 1:15-cv-516

Barrett, J.
Litkovitz, M.J.

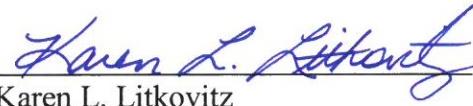
**REPORT AND
RECOMMENDATION**

Petitioner, an inmate in state custody at the Noble Correctional Institution, has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. 9). On July 18, 2016, the undersigned issued a Report and Recommendation that the petition be dismissed because petitioner's claims for relief are barred from review by the one-year statute of limitations governing habeas corpus actions brought pursuant to 28 U.S.C. § 2254. (Doc. 15). This matter is before the Court on petitioner's motion for summary judgment. (Doc. 14).

In the motion, petitioner reargues the grounds for relief presented in the habeas corpus petition. For the reasons stated in the July 18, 2016 Report and Recommendation, recommending dismissal of the petition on statute of limitations grounds, the undersigned **RECOMMENDS** that petitioner's motion for summary judgment (Doc. 14) be **DENIED**.

IT IS SO RECOMMENDED.

Date: 8/11/16


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).